

REMARKS

It is respectfully submitted that the double patenting rejection is untenable. As previously noted, the method and other claims of U.S. '941 differ from the claims of this application at least in view of the features recited in this application for drospirenone. The examiner alleges that it would be obvious to employ drospirenone having such features in view of US '531. However, the latter patent deals only with contraception and the class of females in need of contraception. The class of females in all of the method claims of this application is a different one, as can be seen from the language of all of the claims, e.g., dealing with natural menopause, peri-menopause, HRT, etc. The examiner has not even alleged how teachings related to the class of women needing contraception would be taken by skilled workers as being applicable to the different class of women which is the subject of the current claims. Accordingly, the rejection is untenable.

Being filed herewith is a copy of a District Court Decision holding claims of cited patent 6,787,531 obvious. This decision has been appealed to the Federal Circuit.

Applicants will shortly file an Information Disclosure Statement relating to additional references, documents filed in related opposition proceedings, documents filed in ANDA litigation, among others.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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